

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

STANARD LEROY PHILLIPS,

Plaintiff,

v.

BRYAN COLLIER, ET AL.,

Defendants.

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CIVIL ACTION NO. 5:19-CV-00170-RWS-CMC

ORDER

Plaintiff Stanard Leroy Phillips, proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Phillips filed a motion for summary judgment that raised legal arguments but did not include any summary judgment evidence or show that there are no disputed issues of fact and Phillips is entitled to judgment as a matter of law (Docket No. 16). The Magistrate Judge issued a Report recommending the motion for summary judgment be denied (Docket No. 36). Phillips received a copy of the Report on February 4, 2021, but filed no objections. *See* Docket No. 38. Accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings and the Report of the Magistrate Judge and has determined that the Report is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed,


the standard of review is “clearly erroneous, abuse of discretion and contrary to law.”). It is accordingly

ORDERED that the Report and Recommendation of the Magistrate Judge (Docket No. 36) is **ADOPTED** as the opinion of this Court. It is further

ORDERED that Phillips’s motion for summary judgment (Docket No. 16) is **DENIED**. This denial shall have no effect on the issues and Defendants remaining in the case. It is further

ORDERED that the Clerk shall cause the docket sheet to reflect that the correct spelling of lead Defendant’s name is “Bryan Collier.”

SIGNED this 2nd day of March, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE